

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:02-CR-24

v.

HON. ROBERT HOLMES BELL

ALLEN JOHN WALTANEN,

Defendant.

\_\_\_\_\_ /

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #41). Based on a review of defendant's motion, the Sentence Modification Report, submissions by counsel on behalf of the defendant and the government, and the original criminal file, the Court has determined that the motion should be **DENIED** based on defendant's post-sentencing conduct as described below:

1. Defendant had two incident reports while in prison involving being in an unauthorized area and possession of drugs or drug items.
2. Upon being released to a halfway house, the defendant refused to take a breathalyzer test and refused to submit a urine sample for testing. As a result, the defendant was removed from the halfway house and returned to custody.

Date: May 6, 2008

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE